

1 WHEREAS plaintiffs in these actions allege antitrust violations by defendant airlines in
 2 the sale of passenger air transportation services containing transpacific flight segments;

3 WHEREAS multiple complaints have been filed to date in federal district courts
 4 throughout the State of California by plaintiffs alleging class actions on behalf of purchasers of
 5 passenger air transportation services containing transpacific flight segments (collectively “the
 6 Transpacific Air Passenger cases”);

7 WHEREAS on February 19, 2008 the Judicial Panel on Multidistrict Litigation
 8 (“JPML”) transferred this litigation to this Court for coordinated and consolidated pretrial
 9 proceedings;

10 WHEREAS, pursuant to a stipulation and order previously executed by the parties and
 11 entered by the Court, certain of the defendants’ time to answer, move, or otherwise plead was
 12 extended to the date when those defendants would otherwise be required to file a response
 13 pursuant to Federal Rule of Civil Procedure 12, or to 45 days after the JPML’s decision on the
 14 pending motions for transfer;

15 WHEREAS on March 17, 2008, this Court entered Pretrial Order #1 consolidating all
 16 civil actions transferred to this Court or related actions already pending before this Court for
 17 pre-trial purposes;

18 WHEREAS, on March 28, 2008, this Court entered an order appointing the firms of
 19 Cotchett, Pitre & McCarthy and Cohen Milstein Hausfeld & Toll LLC as interim lead counsel
 20 pursuant to Fed. R. Civ. Proc. 23(g);

21 WHEREAS, all parties desire to establish a date for all defendants to answer or
 22 otherwise respond to plaintiffs’ claims.

23 PURSUANT TO LOCAL RULE 6-1(a), PLAINTIFFS AND DEFENDANTS, BY AND
 24 THROUGH THEIR RESPECTIVE COUNSEL OF RECORD, HEREBY STIPULATE AS
 25 FOLLOWS:

26 1. The deadline for Defendants to answer, move or otherwise respond to the
 27 complaints in this action shall be extended until 45 days after the filing and service, in

28 **STIPULATION AND [PROPOSED] ORDER REGARDING EXTENSION OF TIME FOR
 DEFENDANTS TO RESPOND TO COMPLAINT**
Case No. 07-cv-05634-CRB; MDL No. 1913

1 accordance with Pretrial Order #1 and Northern District of California General Order 45, of a
 2 Consolidated Complaint, or 45 days after lead counsel provides notice that a Consolidated
 3 Complaint will not be filed and designates a pending complaint as the operative complaint. This
 4 stipulation does not constitute a waiver of any defense including, but not limited to, the defenses
 5 of lack of personal jurisdiction or subject matter jurisdiction, improper venue, sufficiency of
 6 process or service of process. Nothing in this stipulation shall have any effect upon any prior
 7 agreement between parties concerning the service of process.

8 2. The terms of this stipulation and order shall apply to all actions transferred to this
 9 Court as of the date of the stipulation and order, as well as any other actions pending in the
 10 United States District Court for the Northern District of California based upon the same
 11 allegations as set forth in *Wortman et al. v. Air New Zealand et al.*, case no. 07-cv-05634 (CRB)
 12 which have not been formally related to *Wortman* and any other related tag-along actions which
 13 have not yet been transferred to MDL no. 1913, including but not limited to the following
 14 actions:

- 15 • *Barton et al. v. Air New Zealand et al.* (Case No. 07-07392-PSG)
- 16 • *Ajaye et al. v. Air New Zealand et al.* (Case No. 07-05911-CRB)
- 17 • *Schelly et al. v. Air New Zealand et al.* (Case No. 07-06071-MMC)
- 18 • *Foy v. Air New Zealand et al* (Case No. 07-06219-CRB)
- 19 • *Casteel et al. v. Air New Zealand et al.* (Case No. 07-06343-CRB)
- 20 • *Clark et al. v. Air New Zealand et al.* (Case No. 07-06357-MMC)
- 21 • *Adlin v. Air New Zealand et al.* (Case No. 07-06410-EDL)
- 22 • *Gaffigan v. Air New Zealand et al.* (Case No. 08-00243-PSG)
- 23 • *Feigenbaum v. Air New Zealand et al.* (Case No. 08-00308-BZ)
- 24 • *Abrams v. Air New Zealand et al.* (Case No. 08-00339-CRB)
- 25 • *LaBarge v. Air New Zealand et al.* (Case No. 08-00487-SC)
- 26 • *Frederick v. Air New Zealand et al.* (Case No. 08-00615-MEJ)
- 27 • *Randall v. Air New Zealand et al.* (Case No. 08-00909-CRB)

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- *David F. Murphy et al. v. Air New Zealand et al.* (Case No. 08-01214-PJW)
- *Barrett v. Qantas Airays Limited et al.* (Case No. 08-01140-EMC)
- *Duke v. Air New Zealand et al.* (Case No. 08-01142-CRB)
- *Moy et al. v. Air New Zealand et al.* (Case No. 08-01383-CRB)
- *Hirai v. Air New Zealand et al.* (Case No. 08-01453-CRB)
- *Browning v. Air New Zealand et al.* (Case No. 08-01458-MEJ)
- *Hut v. Air New Zealand et al.* (Case No. 08-01462-MEJ)
- *Leung v. EVA Airways Corp. et al.* (Case No. 08-01616-CRB)

IT IS SO STIPULATED.

Dated: April 9, 2008

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34 **STIPULATION AND [PROPOSED] ORDER REGARDING EXTENSION OF TIME FOR
35 DEFENDANTS TO RESPOND TO COMPLAINT
36 Case No. 07-cv-05634-CRB; MDL No. 1913**

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IT IS SO ORDERED.

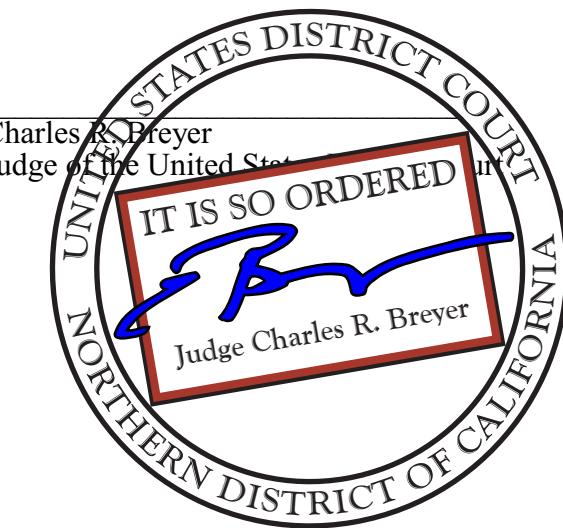
Dated: April 11, 2008

By:

Charles R. Breyer
Judge of the United States District Court
for the Northern District of California

IT IS SO ORDERED

Judge Charles R. Breyer



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